



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangert  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

*file*

May 29, 1992

CERTIFIED MAIL  
P 879 596 359

Mr. Thomas M. Nielson  
Minerals West, Inc.  
2000 East Roger Road  
C-21  
Tucson, Arizona 85719

Dear Mr. Nielson:

Re: Request for Written Release, Reclamation Surety, Minerals West, Inc., MiVida Mine M/037/028, San Juan County, Utah.

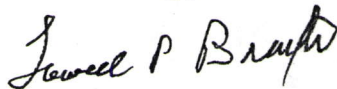
Thank you for your timely response to our letter of May 19, 1992, with the signed Mutual Acknowledgement of Termination of Escrow Agreement. Through no fault of your own, it has been determined by the Attorney General for the State of Utah that the form which was sent for your signature is defective for the purpose of meeting the requirements of the Escrow Agreement, as interpreted by the bank.

Unfortunately, simply terminating the Agreement does not provide the bank with direction concerning disbursement of the escrow fund. Therefore, you will find enclosed a new Termination Agreement directing the bank to disburse the funds and terminate the Escrow Agreement as directed by the final Order of the Board of Oil, Gas and Mining, of January 13, 1992. Enclosed you will find a postage paid envelope for your convenience and our apologies for having failed to send you the proper form in the first instance. If you have any questions concerning this

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matter, please contact myself or Tom Mitchell, of the Attorney General's office at this number ((801) 538-5340).

Sincerely,

A handwritten signature in cursive script, reading "Lowell P. Braxton".

Lowell P. Braxton  
Associate Director Mining

lsj  
cc: Robert Lambert, First Security Bank  
Jim Carter, BOGM  
Dianne Neilson, DOGM  
Tom Mitchell, AAG  
Minerals Staff (Route)  
TAM114

MUTUAL ACKNOWLEDGEMENT OF TERMINATION  
MINED LANDS RECLAMATION ESCROW AGREEMENT  
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WHEREAS Minerals West, Inc., as Operator of the MiVida Mine, and the Board of Oil, Gas and Mining entered into a Mined Lands Reclamation Agreement dated April 23, 1980, which complied with the requirements of Utah Code Ann. § 40-8-14 concerning surety, by the simultaneous execution of an Escrow Agreement of even date.

WHEREAS First Security Bank, as Escrowee, cannot disburse funds held pursuant to that Escrow Agreement without an Order of Disbursal from a Court or written direction from the Operator and the Board.

WHEREAS the Board of Oil, Gas and Mining entered a final Order dated January 13, 1992 directing that the escrow fund held by First Security Bank as Escrowee under that Escrow Agreement dated April 23, 1980, be forfeited and paid to the Division of Oil, Gas and Mining, of the State of Utah, for use in reclaiming the MiVida Mine.

THEREFORE the undersigned, on behalf of the Operator, Minerals West, Inc., and the Board of Oil, Gas and Mining do hereby terminate the Reclamation Agreement and Escrow Agreement of April 23, 1980, and direct the Escrowee, First Security Bank to release all sums held at the Monticello, Utah Branch pursuant to the April 23, 1980 Escrow Agreement to the Division of Oil, Gas and Mining.

OPERATOR:

\_\_\_\_\_  
Operator Name (Please type or print)

By \_\_\_\_\_  
Corporate Officer - Position

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)



On the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally  
appeared before me \_\_\_\_\_ who being  
by me duly sworn did say that he/she, the said \_\_\_\_\_  
\_\_\_\_\_ is the \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ and duly acknowledged that said instrument was  
signed on behalf of said company by authority of its bylaws or a  
resolution of its board of directors and said  
\_\_\_\_\_ duly acknowledged to me that  
said company executed the same.

\_\_\_\_\_  
Notary Public  
Residing at: \_\_\_\_\_

\_\_\_\_\_  
My Commission Expires:

BOARD OF OIL, GAS AND MINING:

By \_\_\_\_\_  
James W. Carter, Chairman

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_)  
\_\_\_\_\_)  
COUNTY OF \_\_\_\_\_)

On the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally  
appeared before me, who being duly sworn did say that he/she, the  
said \_\_\_\_\_ is the Chairman of the  
Board of Oil, Gas and Mining, Department of Natural Resources,  
State of Utah, and he/she duly acknowledged to me that he/she  
executed the foregoing document by authority of law on behalf of  
the State of Utah.

\_\_\_\_\_  
Notary Public  
Residing at: \_\_\_\_\_

\_\_\_\_\_  
My Commission Expires: